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Paper 1
Filed: 3 December 2012

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHILIP T. **DAVIS**, JANET M. McCUNE,
and HUBERT V. FORCIER
Junior Party
(Patent No. 7,113,913)

v.

MATTHEW B. **SCHOEN** and JEAN-PHILIPPE KHODARA
Senior Party
(Application No. 11/861,084)

Patent Interference No. 105,913 (JC)
(Technology Center 3600)

DECLARATION – Bd. R. 203(b)¹

¹ “Bd. R. x” may be used as shorthand for “37 C.F.R. § 41.x”. 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of Interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application, patent, count(s) and claims designated
4 as corresponding or as not corresponding to the count(s) appear in Parts E and F of
5 this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Josiah Cocks has been designated to manage
8 the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for **1:30 p.m.**
14 **on 05 February 2013** (the Board will initiate the call).

15 No later than four business days prior to the conference call, each party shall
16 file and serve (SO ¶¶ 10.1 & 105) a list of motions (Bd. R. 120; Bd. R. 204; SO ¶¶
17 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
20 schedule prior to the conference call and to agree on dates for taking action. A
21 typical motion period lasts approximately eight (8) months. Counsel should be
22 prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named Inventors:	Philip T. Davis, New Fairfield, CT Janet M. McCune, Plymouth, MN Hubert V. Forcier, Minneapolis, MN
Involved Patent:	Patent 7,113,913, issued 26 September 2006, based on application 09/328,856, filed 09 June 1999.
Title:	Method and System for Providing Insurance Protection Against Loss of Retirement Accumulations in a Tax Favored Defined Contribution Plan in the Event of a Participant's Disability
Assignee:	Corporate Compensation Plans, Inc. of Connecticut

Senior Party

Named Inventors: Matthew B. Schoen, Ojai, CA
Jean-Philippe Khodara, Aix En Provence, France

Involved Application: Application 11/861,084, filed 25 September 2007.

Title: Computer Apparatus and Method for Illustrating, Issuing, and Managing Disability Coverage for Retirement Plans with Individual Accounts

Assignee: Matthew B. Schoen

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 1 of Davis' Patent

or

Claim 1 of Schoen's Application

The claims of the parties are:

Davis: 1-34

Schoen: 1, 13-17, and 25

The claims of the parties which correspond to Count 1 are:

Davis: 1-34

Schoen: 1, 13-17, and 25

The claims of the parties which do not correspond to Count 1 are:

Davis: none

Schoen: none

The parties are accorded the following benefit for Count 1:

Davis: application 60/088,969, filed 10 June 1998.

application 09/861,752, filed 21 May 2011.

application 08/936,037, filed 23 September 1997,
now patent 6,235,176.

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference,

see SO ¶ 106.1.1:

Filed on behalf of: *Party @*

Paper Leave Blank

By: *Counsel Name(s)* @

Address @

(@ @ @) @ @ @- @ @ @ @ (telephone)

(@[@@) @@@@- @@@@@ (facsimile)

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1 **Part H. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts E and F of this
4 DECLARATION with a hand-drawn circle around the patents and applications for
5 which a copy of a file wrapper is requested.

6
7
8 /Josiah C. Cocks/
9 Administrative Patent Judges
10

11 Enc:

12 Copy of STANDING ORDER (MARCH 2011)
13 Copy of claims of Application 11/861,084
14 Copy of Patent 7,113,913
15

16 cc (via overnight mail):
17

18 Representative for Davis:

19 PILLSBURY WINTHROP SHAW PITTMAN LLP (LA)
20 1650 Tyson Blvd.
21 14th Floor
22 McLean VA 22102
23

24 Representative for Schoen:

25 PETER K. TRZYNA, ESQ.
26 195 North Harbor Drive
27 Apt. 5403
28 CHICAGO IL 60601
29